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# West End Primary School

## Policy on Searching, Screening and Confiscation

# West End Primary School

**Approved and adopted:** *September 2020*

**This policy has been developed and implemented in consultation with the whole school community including students, parents/guardians, staff, Department of Education Services (DES) representatives and partner agencies.**

**Review Date:** *September 2021*

## **SIGNATURES**

**Student** (via the Student Council): .....

**Parent** (via the PTA): .....

**DES Senior School Improvement Officer:** .....

**School Leader:** .....

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## **1. PURPOSE**

- 1.1 This policy outlines guidance for staff and authorised staff on searching students and the retention and disposal of items that have been confiscated in accordance with the Education Law, 2016 and the Ministry of Education's Guidance on Searching, Screening and Confiscation. This policy applies whenever students are in the care of the school, including on school trips or school transport.

## **2. AIM**

- 2.1 The central aim of this policy is to support staff in undertaking their duty to promote and maintain an orderly environment and to enable the School to carry out its duties to safeguard and promote the welfare of children by ensuring that dangerous, illegal or disruptive items are removed from students and disposed of safely and lawfully.
- 2.2 This policy also aims to clarify the circumstances in which searches will take place and what will happen to items confiscated by staff.

## **3. SEARCHING**

- 3.1 The Principal and authorised staff have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item. Prohibited items are:
- an offensive weapon, prohibited weapon or restricted weapon as outlined in the Penal Code (2013 Revision)
  - a controlled drug as outlined in the Misuse of Drugs Law (2014 Revision)
  - a stolen article
  - other items include:
    - a) Alcohol, tobacco, smoking paraphernalia such as lighters, pipes and electric cigarettes.
    - b) Fireworks and pornographic images.
    - c) Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or
    - d) To cause personal injury to, or damage to the property of, any person (including the student).
- 3.2 The Principal and authorised staff can also search for any item banned by the school rules which has been identified in the Code of Conduct as an item which may be searched for.

## **4. CONFISCATION**

- 4.1 School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

## **5. SCREENING**

- 5.1 The Principal and authorised staff can require students to undergo screening by hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the students. Schools' statutory power to make rules on student behaviour and their duty as an employer to manage the safety of staff, students and visitors enables them to impose a requirement that students undergo screening.

## **6. SEARCHING WITH CONSENT**

- 6.1 Any member of the school staff can search students with their consent for any item. Staff are not required to have formal written consent from the student for this sort of search – it is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the student's bag or locker and for the student to agree.

- 6.2 If a member of staff suspects a student has a banned item in his/her possession, they will instruct the student to turn out his pockets or bag and, if the student refuses, the staff member can apply an appropriate punishment as set out in the school's Behaviour Management Policy.
- 6.3 A student refusing to co-operate with such a request raises an elevated level of concern and it would be appropriate for a senior member of staff to be called to support with the situation. A decision at this point will be made about whether a search without consent is an appropriate action.

## **7. SEARCHING WITHOUT CONSENT**

7.1 At **West End Primary School**, authorised staff have the power to search without consent for:

- Knives or weapons, alcohol, illegal drugs, drug paraphernalia and stolen items;
- Tobacco and cigarette papers, smoking paraphernalia such as e-cigarettes, fireworks and pornographic images;
- Any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to property; and
- Any item banned by the school rules which has been identified in the rules as an item which may be searched for.

7.2 The staff member conducting the search will be the same sex as the student being searched. There will be a witness (also a staff member) and, if at all possible, they will be the same sex as the student being searched.

7.3 Staff members can only undertake a search without consent if they have reasonable grounds for suspecting that a student may have in his or her possession a prohibited item. The staff member must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other students talking about the item or they might notice a student behaving in a way that causes them to be suspicious.

7.4 In the exceptional circumstances when it is necessary to conduct a search of a student of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a student's expectation of privacy increases as they get older.

## **8. UNDERTAKING THE SEARCH**

8.1 The person conducting the search may not require the student to remove any clothing other than outer clothing. 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats, shoes and jackets.

8.2 A student's possessions can only be searched in the presence of the student and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

8.3 'Possessions' means any goods over which the student has or appears to have control – this includes desks, lockers and bags.

8.4 Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.

## **9. AFTER THE SEARCH**

9.1 The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search so long as it is reasonable in the circumstances. Where any article is thought to be a weapon it must be passed to the police.

9.2 A staff member carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.

- Where a staff member conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the student.
- Where they find controlled drugs, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.
- Where they find stolen items, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.
- Where a member of staff finds tobacco, cigarette papers or smoking paraphernalia such as pipes or e-cigarettes they may retain or dispose of them. As with alcohol, this means that schools can dispose of such items as they think appropriate but this should not include returning them to the student.
- Fireworks found as a result of a search may be retained or disposed of but should not be returned to the student.
- If a member of staff finds a pornographic image, they may dispose of the image unless its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable. Images found on a mobile phone or other electronic device can be deleted unless it is necessary to pass them to the police.
- Where a member of staff finds an item which is banned under the school rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it. Any weapons or items which are evidence of an offence must be passed to the police as soon as possible.

## **10. SANCTIONS**

10.1 The discovery of any prohibited items will result in sanctions being applied in line with the school's Behaviour Policy. The level of sanction will be decided by a member of the school's Senior Leadership Team, but may include one or more of the following:

- Loss of break
- Detention including School Detention
- Ban from defined areas
- Internal suspension
- Fixed Term Exclusion
- Application for expulsion

## **11. RCIPS SCHOOL RESOURCE OFFICER:**

11.1 Wherever possible the RCIPS resource officer for the school will be asked to lead or oversee searches having to be undertaken without consent, especially when student and parents strongly refuse.

11.2 Where police are involved, parents will be contacted unless there are Child Protection concerns.

11.3 Where RCIPS involvement takes place, they will follow police protocol to record the incident. However, school recording procedure should still be maintained (see “Record Keeping” below).

## **12. RECORD KEEPING**

12.1 Incidents that involve the screening or searching of students or confiscation of items or property will be recorded as a behaviour incident within SIMS and details will be recorded in the appropriate drop down box menu. It may be necessary to take more detailed statements from various witnesses if the incident requires more serious disciplinary action.

12.2 If a search reveals an illegal item or substance it must be logged and recorded as above. At this point the police should also be informed and they will record events under their established procedures and protocols.

12.3 Parents/carers do not have to be informed before a search or screening of a student takes place. However, if a student has been searched or screened, and items have been confiscated, parents/carers should be informed of this as soon as possible

12.4 In certain exceptional circumstances it may not be appropriate to inform parents/carers i.e. if it is a criminal matter where the parent may also be involved or where, even if nothing is found, revealing the search to parents may put the child at risk of harm from the parent/carer.

## **13. AUTHORISED STAFF**

13.1 The Principal has informed the Director of the Department of Education of all staff members who are authorised to undertake searches without consent.

## **Appendix I.**

### **PENAL CODE (2013 REVISION) -**

**Definition of prohibited, offensive and restricted weapons - 78.** (1) In sections 79 to 83 -

“**dagger**” includes any sword, or any knife or other instrument having a blade ending in a sharp point, which is not primarily designed for use in a profession, craft or business, or for domestic use:

Provided that any such sword, knife or other instrument when worn or carried by any person shall be deemed to be a dagger unless it is designed primarily for use in a profession, craft or business exercised or carried on by such person or for domestic use, and is being worn or carried by such person for the purpose of its use in such profession, craft or business, or for domestic use;

“**flick knife**” means any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife;

“**firearm**” means any machine gun, submachine gun, rifle, shot gun, revolver, pistol, air gun, air pistol or any lethal barrelled weapon from which any shot, bullet or other missile can be discharged or noxious

fumes can be emitted except any air rifle, air gun or air pistol of a type prescribed by the Governor and of a calibre so prescribed, and includes any component part of any such weapon and accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

**“gravity knife”** means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever or other device;

**“knife”** includes any cutting instrument, not being a dagger, whether ending in a sharp point or not;

**“offensive weapon”** means any object made or adapted for use for causing injury to the person or intended by the person having it with him for such use by him;

38 Penal Code (2013 Revision)

**“prohibited weapon”** means any machine gun, submachine gun, automatic rifle or any weapon of any description or design, adapted for the discharge of any noxious liquid or gas and includes any blackjack, bludgeon, cross-bow, flick knife, gravity knife or knuckle duster; and

**“restricted weapon”** means -

- (a) a machete or knife;
- (b) a softball bat, baseball bat, cricket bat or any similar bat; or
- (c) an object similar to an object referred to in paragraph (a) or (b), made or adapted for use for causing injury to any person or capable of being used for causing injury to any person.

**“automatic rifle”** means any rifle so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until the pressure is removed from the trigger or until the magazine containing the missiles is empty;

#### **Restriction on carrying offensive weapons**

A person who wears or carries any offensive weapon, not being a prohibited weapon, outside his own house and premises commits an offence and is liable to a fine of five thousand dollars and to imprisonment for four years:

Provided that, if the offensive weapon is a firearm, no person shall be deemed to have committed an offence against this section if such person is in possession of a firearm licence and a permit in writing, signed by the Commissioner, giving such person permission to carry such firearm outside his house or premises:

Provided further that if the offensive weapon is a knife, no person shall be deemed to have committed an offence against this section if he shall prove that he was wearing or carrying such knife outside his own house and premises for some lawful purpose for which such knife was necessary.